

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAI 51097WO		FOR FURTHER ACTION		See Form PCT/PEAA416
International application No. PCT/EP2004/005758		International filing date (day/month/year) 26.05.2004	Priority date (day/month/year) 05.06.2003	
International Patent Classification (IPC) or national classification and IPC C09D201/02, C09D151/00, C09D5/16				
Applicant IMPERIAL CHEMICAL INDUSTRIES PLC				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 01.04.2005		Date of completion of this report 10.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Bergmans, K Telephone No. +31 70 340-		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/005758

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-37 as originally filed

Claims, Numbers

1-22 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/005758

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-22
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/EP2004/005758

Re Item I

Basis of the report

Re Item II

Priority

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Re Item IV

Lack of unity of invention

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: GB1039540

D2: EP0949307

D3: US5439964

D4: US3891580

D5: US6090195

Novelty (Art. 33 (2) PCT)

1.The document D1 discloses a coating composition comprising one or more coating components of the following materials A) plastomeric materials or vinyl copolymers, B) polysaccharides or plant gums, C) animal or vegetable protein (page 2). The coating is on water basis (aqueous solution) and contains some pigments (e.g. titanium dioxide) for improving the optical property of the coating (page 3).

The subject matter of claims 1-4,6-22 over D1 is considered to be not novel (Art. 33(2) PCT).

2.The document D2 discloses an aqueous coating composition comprising a polymer binder which is based on e.g. vinyl or acrylic or styrene copolymers modified by a starch (polysaccharides). The coating which is an aqueous dispersion further comprises fillers like rutile (titanium dioxide). The subject matter of claims 1-3,6,8-22 over D2 is considered to be not novel (Art. 33(2) PCT).

3. The document D3 discloses a compound comprising silicon powder and a binder system. The binder system comprises a polyester (co)polymer and a polyfunctional compound e.g. furanose or glucose. The polyfunctional compound can be chemically attached to the polyester. The subject matter of claims 1-3,5,6,8 over D3 is considered to be not novel (Art. 33(2) PCT).

4. The document D4 discloses a polymer material in an aqueous mixture comprising a starch or protein, and a polymer which is reactive with the starch or protein. The polymer material is used as a coating and can further contain pigments e.g. titanium dioxide. The subject matter of claims 1-4,6-22 over D4 is considered to be not novel (Art. 33(2) PCT).

5. The document D5 discloses an inorganically filled composition comprising a water dispersible binder selected from proteins, polysaccharides or watersoluble polymers or mixture thereof. The polysaccharides is selected from e.g. gum arabic and the water soluble polymer is selected from e.g. acrylics polymers. The subject matter of claims 1-4,6-12 over D5 is considered to be not novel (Art. 33(2) PCT).

Inventive step (Art. 33(3) PCT)

All the technical features of the present claims are described in the documents D1-D5. . Therefore the claims 1 to 22 do not involve an inventive step (Art. 33(3) PCT).

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1, D2 and D4 is not mentioned in the description, nor are these documents identified therein.

The specification for an international application should be capable of being understood without reference to any other document (cf PCT Guidelines Ch. II 4.17). The expression "hereby incorporated by reference" found in the description are therefore not according to the PCT requirements.

The specification for an international application should be capable of being understood without reference to any other document (cf PCT Guidelines Ch. II 4.17). The expression "hereby incorporated by reference" found in the description are therefore not according to the PCT requirements.

Re Item VIII

Certain observations on the international application

Clarity (Art. 6 PCT)

1. The attention to the applicant is drawn to the fact that if the application when amended contains an unnecessary plurality of independent claims, no further examination of any of the claims will be carried out.
2. The claims of the present application do not meet the requirements of article 6 in that matter for which protection is sought is not clearly defined. The claims attempt to define a product by its process by using the term "obtainable from". Claims for products defined in terms of a process are admissible only if the products as such fulfill the requirements for patentability and if they cannot be defined otherwise.
3. The claims of the present application do not meet the requirements of article 6 in that matter for which protection is sought is not clearly defined. The term "bonded" used in the claims is vague and leaves the reader in doubt as to the meaning of the technical feature to which it refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.
4. The relative terms "bonded moieties" and "chemically attached" used in claim 6 has no well-recognised meaning and leave the reader in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.
5. The term "PVC(TiO₂)" used in claim 18 has no well-recognised meaning and leave the reader in doubt as to the meaning of the technical feature to which it refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.